

REMARKS

Claims 21-24, 28, and 30-35 are pending in this application. Claims 21-24, 28, and 30-35 stand rejected. By this Amendment, claims 21-24 and 35 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 21 and 35 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended claims 21 and 35 in accordance with the Examiner's remarks. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 21-23, and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,183,031 ("Rossoff"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of independent claim 21 not present in the cited reference is that the insertion section has a channel provided so that a treatment instrument which extends out from a distal open end and provided in the distal portion and wherein the proximal open end for inserting the treatment instrument into the channel is provided at the second end of the pistol grip portion.

In Rossoff, there is no disclosure of a channel for a treatment instrument at the second end of a grip portion. In Rossoff, there is provided a suction port and oxygen port 38 and 39 located at the lower portion of a pistol grip however, it is impossible to equate the suction port and oxygen port with an instrument channel. Therefore, Rossoff fails to anticipate independent claim 21.

Claims 21, 22, 24, 28, and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,873,814 ("Adair"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of independent claims 21 and 35 not present in Adair is a pistol grip portion to be gripped by an operator, the pistol grip having a longitudinal axis extending from a first end to a second end, an operation section coupled to the first end of the pistol grip and an insertion channel in the second end of the pistol grip.

The endoscope apparatus in Adair has an in-line configuration without a pistol grip. Thus, the explicitly recited structure is not present in Adair.

Claims 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rossoff or Adair in view of U.S. Patent No. 2003/0045778 ("Ohline"). Claims 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rossoff or Adair in view of Ohline and further in view of U.S. Patent No. 5,658,238 ("Suzuki"). Applicants note that the inclusion of Ohline or Ohline and Suzuki to either Rossoff or Adair fail to cure the deficiencies in Rossoff or Adair noted above. Therefore, Applicants respectfully submit that all of these claims are in immediate condition for allowance.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: December 7, 2006

Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO LLP

1177 Avenue of the Americas

New York, New York 10036-2714

(212) 277-6500

Attorney for Applicant

IRB/mgs